IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM.SUIT NO. 3739 OF 2003

Wiseman Finance Pvt. Ltd .. Plaintiff

versus

Dagina Collections .. Defendant

...

Mr.S.B.Amin for Plff

CORAM : D.G. KARNIK, J

DATED : 3rd May 2005.

P.C.

1. Heard learned counsel for the plaintiff. None present for the defendant. Perused the affidavit of service dated 16th April, 2004 sworn by Mr Mukund Gala clerk in the office of the Sheriff of Mumbai. Despite service of the writ of summons the defendant has not filed an appearance.

2. The plaintiff has filed on record the original documents under a list on 10th March, 2005. Learned counsel for the plaintiff today tenders along with the list the certified copy regarding change in the name of the defendant. The certificate is taken on record.

3. I have perused the plaint and the documents filed on record. The plaintiff company granted to the defendant company inter-corporate deposit of Rs.30,00,000/-. The letter forwarding the cheque along with the letter of acknowledgement is produced on record. The letter of acknowledgments are filed on record. In the absence of any appearance the averments made in the plaint are deemed to be accepted and the plaintiff is entitled to a decree under Order 37 Rule 3 (2) of the Code of Civil Procedure. Hence, suit of the plaintiff is decreed in terms of prayer clause (a) and (b) of the plaint.

D.G.KARNIK, J